

Application No. PG 09/889,751  
Attorney Docket No. PG3604USW

#### **REMARKS / ARGUMENTS**

Claims 1 and 3-43 remain in this application. Claim 2 has been cancelled. Claims 1, 19, 21, 26 and 33 have been amended to better define certain aspects of the claimed subject matter.

##### **A. The Abstract is Substantively Compliant**

The Abstract has been rewritten in a single paragraph. Phrases that would be implied by a reader have been removed. The Abstract is believed to be in compliance with US practice. Withdrawal of the objection is requested.

##### **B. Claims 1, 3-43 Are Novel over GB 2242134 to Davies**

The independent claims of this application are claims 1, 19, 20, 21, 26, 33, and 41.

Claim 1 has been amended to recite a

Medicament cartridge for use in an inhalation device comprising a carrier having a *substantially planar first face* and a plurality of medicament retainers in a single spiral path arrangement *along said first face*.

GB 2242134A to Davies describes a linear, flexible elongate strip of containing a plurality of medicament blisters. The strip is coiled in a storage position, as shown in Figure 24. The coiled strip does not define a substantially planar face along which the spiral arrangement is defined. Thus, Claim 1 and all claims dependent thereon (claims 3-18) are novel over the Davies reference. Withdrawal of the 102(b) rejection of claim 1 and each claim dependent thereon over Davies is requested.

Claim 3 further recites a carrier which is substantially rigid. Davies describes a flexible coiled elongate strip, not a rigid carrier. Davies does not anticipate claim 3. Withdrawal of the rejection for this additional reason is requested.

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Claim 9 recites that each retainer comprises a hole and that a mesh is provided in each hole for retaining medicament. The materials on page 5 do not disclose a mesh, let alone a mesh for retaining medicament positioned in a hole. Claim 9 is novel for this additional reason. Withdrawal of the rejection for this additional reason is requested.

Claim 10 recites a carrier storable in a flat spiral configuration. Davies describes a rolled elongate strip in the form of a coil. Davies is not storable in a flat spiral configuration. Withdrawal of the 102(b) rejection over Davies is requested for this additional reason.

Claim 19 recites a

Medicament cartridge for use in an inhalation device comprising a carrier having a *substantially planar first face* having a plurality of medicament doses thereon, wherein said doses are in a single *spiral path arrangement along said first face*.

As mentioned above, the Davies coiled elongate strip does not describe such a configuration. Withdrawal of the 102(b) rejection is therefore requested.

As for claim 20, the Davies elongate carrier strip is not a flat spiral configuration, it is an elongate strip rolled into a coil, and although this coil when turned on its side may form a spiral, the carrier is not flat in this position. When the Davies strip is unrolled, it may be flat, it is not however, spiral. Davies does not anticipate claim 20 under 102(b).

Withdrawal of the 102(b) rejection is appropriate for this additional reason.

Claim 21 recites, in pertinent part, an

Inhalation device comprising...

a medicament carrier having a plurality of medicament retainers in a single *spiral path arrangement on a planar face of said carrier*; and

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Davies, again, fails to disclose of medicament carrier meeting the elements of this claim. Withdrawal of the 102(b) rejection of claim 21 is respectfully requested.

The elongate medicament carrier strip of Davies is not a disk, and is not rigid as recited in claim 22. The examiner's reference to Figure 16 is somewhat curious, as it does not show the carrier being a rigid disk. Withdrawal of the rejection is respectfully requested. In the alternative, the examiner is requested to recite the relevant passages by page and line number from the specification that are being referred to.

As for the rejection of claim 23, the elongate carrier strip of Davies is not a disk it is an elongate linear strip rolled into a coil, as a disk is not described, a disk with a circumference is not described, nor is this circumference provided with teeth. As none of these limitations are described by Davies, claim 23 is not anticipated by Davies.

As mentioned above, Davies does not describe a disk nor are the blisters in Davies arranged within the face of a disk. Claim 24 is not anticipated.

Claim 25 recites, in part, a spiral track of the carrier disk. This track is adapted to receive a tracking pin on the housing. No disk, spiral track nor adaption to receive a tracking pin is described in Davies reference. The examiner is requested to specifically reference the exact page and line numbers, or reference with specificity exactly what aspects of Figure 16 are alluded to in making this rejection. Claim 25 is not anticipated, and withdrawal of the 102(b) rejection is respectfully requested.

Claim 26, as amended, recites in pertinent part, an

Inhalation device comprising

*a substantially planar medicament carrier having a plurality of medicament retainers in a single spiral path arrangement in the plane of the medicament carrier, each medicament retainer having a scal;*

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Again, as the Davies reference does not describe a carrier having a plurality of medicament retainers in a spiral path arrangement in the plane of the medicament carrier, it does not anticipate claim 26. Withdrawal of this 102(b) rejection is requested.

Claims 27-32 are novel for the same reasons as claim 26.

Claim 32 recites an axially mounted tapered pole. Applicant is unable to identify a description on pages 18 and 19 of the Davies reference of such an element. Davies does not disclose a tapered pole around which the tape is coiled. Claim 32 is novel over Davies, and withdrawal of the rejection is requested.

Claim 33 recites, in pertinent part, an

Inhalation device comprising...

an elongate carrier having a plurality of medicament retainers, wherein said elongate carrier is *storable in a flat spiral configuration within a plane forming a substantially planar face*; and

a mover in communication with the elongate carrier for *helically* extending the elongate carrier such as to successively move each medicament retainer to an access position.

The Davies linear blister strip is progressively unrolled in use, and each blister is sequentially exposed. The elongate strip is stored in a rolled coil, not in a flat spiral configuration. Davies does not form a planar face when rolled. Davies is unwound, but is not unwound in a helical fashion. Thus at least the italicized elements above for claim 33 are not disclosed in the Davies reference. Withdrawal of the 102(b) rejection over Davies is requested from claim 33 and all claims dependent thereon.

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Claim 39 recites an axially mounted tapered pole. Applicant is unable to identify a description on pages 18 and 19 of the Davies reference of such an element. Davies does not disclose a tapered pole around which the tape is coiled. Claim 39 is novel over Davies for this additional reason. Withdrawal of the 102(b) rejection is requested.

Claim 41 recites, in pertinent part, an

*Inhalation device comprising...*

an elongate carrier having a plurality of doses thereon, wherein said elongate carrier is *storable in a flat spiral configuration*; and

a mover in communication with the elongate carrier for *helically extending the elongate carrier* such as to serially move each dose to an access position.

The Davies coiled elongate strip is not stored in a *flat spiral configuration*, nor is the carrier *helically* extended. As Davies does not disclose these aspects of Claim 41, it does not anticipate this independent claim. Withdrawal of the 102(b) rejection of claim 41 and all claims dependent therefrom is requested.

**C. Claims 26 and 40 are Novel over EP 0469814 to Everett**

Claim 26 recites, in pertinent part, an:

*Inhalation device comprising...*

a housing having an air inlet, an air outlet and an airway therebetween;

a *substantially planar medicament carrier* having a plurality of medicament retainers in a *single spiral path arrangement in the plane of the medicament carrier*, each medicament retainer having a seal;

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an actuator for progressively unsealing each medicament retainer on the spiral path.

Everett discloses an elongate strip containing device similar to the Davies reference. The coiled elongate strip of Everett does not define *a plurality of medicament retainers in a single spiral path arrangement in the plane of the medicament carrier*. As these elements are not described in Everett, the claim is not anticipated.

As for claim 40, Everett does not disclose a piercing mechanism as an actuator. The Everett device employs a plunger or hammer 31 to strikes back surface of a given blister causing the contents to cause the front of the blister to rupture. Thus, the hammer or plunger is not a piercer. (Col. 3, lines 57- col.4, line 9). Thus, Everett does not anticipate claim 40.

#### D. Conclusion

For the reasons mentioned above, claims 1, 3-43 are novel over the cited Davies and Everett references. Applicant requests that these 102(b) rejections be withdrawn and the case all claims be passed to allowance.

In light of the amendments and/or arguments made herein, all issued raised by the examiner to date have been addressed. As such, the claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

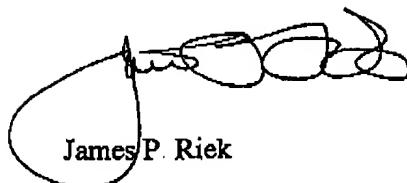
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Respectfully submitted,



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